

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,
Plaintiffs,
v.
THOMAS RETZLAFF,
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER DENYING ADMINISTRATIVE
MOTION TO STRIKE AMENDED
COMPLAINT**

[Re: ECF 127]

Before the Court is *pro se* defendant Thomas Retzlaff's second "Emergency Motion to Strike Plaintiffs' Second Amended Complaint," ECF 127, whereby Defendant again contends that Plaintiffs Second Amended Complaint filed December 23, 2014 at ECF 125 fails to comply with this Court's November 20, 2014 and December 17, 2014 orders.¹ The Court disagrees, as Plaintiffs' Second Amended Complaint confines their amended allegations to the "Jurisdiction and Venue" section of the pleading. Defendant's administrative motion is accordingly DENIED.²

To the extent Defendant challenges the legal sufficiency of Plaintiffs' amendments or the relevance of those amendments to the personal jurisdiction analysis, those are substantive arguments to be addressed in a properly noticed motion filed in compliance with Civil Local Rule 7-2. As the Court previously ordered, Defendant shall have until **January 9, 2015** to answer or


¹ The Court again construes this request as a motion for administrative relief pursuant to Civil Local Rule 7-11 but notes that Defendant has again failed to comply with the page limits set forth in that rule. Should Defendant file any motions in the future, he should clearly identify the Civil Local Rule pursuant to which his motion is being filed and comply with the page limits and briefing schedules set forth in the applicable rule. Any motion not so clearly identified shall be treated as one filed pursuant to Civil Local Rule 7-2 and shall be set for hearing on the next available hearing date.

² The April 23, 2015 hearing date on Defendant's motion is VACATED.

1 file a motion in response to the Second Amended Complaint. Any motion practice shall be
2 confined to a single brief not exceeding 25 pages in length. Civ. L.R. 7-2.

3 **IT IS SO ORDERED.**

4 Dated: January 6, 2015

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6 BETH LABSON FREEMAN
7 United States District Judge
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Northern District of California